

**REMARKS**

Claims 2 and 7-9 have been rejected as being obvious over Wang (World International Publication Number WO 01/18987) in view of Meier (U.S. Patent Application 2002/0172168) under 35 U.S.C. § 103(a). Claims 3 and 4 have been rejected as being obvious over Wang in view of Meier and further in view of Choi (U.S. Patent Application 2002/0018457) under 35 U.S.C. § 103(a). In this response, Applicant traverses all of the rejections

35 U.S.C. § 103(a) rejections

There is no *prima facie* case of obviousness against any of Applicant's claims. None of Applicant's claims are obvious over Wang in combination with Meier, or Wang in combination with Meier and Choi. This is because neither Wang, nor Wang in combination with Meir and Choi, recites all features of Applicant's claims.

For example, all of Applicant's claims include the feature "determining a transmission configuration" where the transmission configuration includes a "spreading code and a modulation path." Applicant's specification as originally filed defines determining a transmission configuration as determining a transmission pair including "a transmission branch and a spreading code. The DPCCH may be mapped to the I branch or the Q branch." Furthermore, "a given code may perform differently on each branch."

Note this is directly in contrast to Wang. Wang uses both I and Q branches and selects a code as to "minimize the number of coincident undesirable chip strips in I and Q component sequences of the complex modulation code" (please see Wang page 5, line 30 through page 6, line 13). Nowhere does Wang in isolation or in combination with Meir, or Choi, or Meir and Choi suggest determining a transmission configuration, including a modulation path and a spreading code. Therefore, all of Applicant's claims are patentable over Wang, Wang and Meir, and Wang and Meir and Choi.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: November 8, 2004

By: 

Rupit Patel & Reg. No. 53,441  
Phone No.: (858) 651-7435

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 651-4125  
Facsimile: (858) 658-2502